UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.109/PV.1420
30 July 1993

ENGLISH

SPECIAL COMMITTEE ON THE SITUATION WITH REGARD TO THE IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

VERBATIM RECORD OF THE 1420TH MEETING

Held at Headquarters, New York,
on Wednesday, 14 July 1993, at 10 a.m.

Chairman: Mr. LOHIA (Papua New Guinea)

- Requests for hearing
- Question of East Timor
- Question of the Falkland Islands (Malvinas)

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The meeting was called to order at 10.30 a.m.

REQUESTS FOR HEARING (AIDES-MEMOIRE 18/93 AND 22/93)

The CHAIRMAN: A number of requests for hearing have been circulated in Aides-Memoire 18/93 and 22/93 relating to the questions of the Falkland Islands (Malvinas) and Western Sahara, respectively.

If I hear no objection, may I take it that the Committee agrees to accede to these requests?

It was so decided.

QUESTION OF EAST TIMOR (A/AC.109/1154 AND A.AC.109/1167) (continued)

The CHAIRMAN: I call first on the representative of Sao Tome and Principe.

Mr. FERREIRA (Sao Tome and Principe): On behalf of the five African Portuguese-speaking countries - Cape Verde, Guinea Bissau, Mozambique, Angola and my country, Sao Tome and Principe - I have the honour to speak before the Special Committee in order to describe once again our position on East Timor.

Indonesia took over East Timor in 1975. Since then the people of East Timor have been fighting for their inalienable rights of self-determination and independence. The fight against Indonesian rule has caused too much suffering for the people of East Timor. Our position on East Timor is very clear and remains the same. We see Portugal as the only administering Power of East Timor and we support the Secretary-General and his good offices in this matter. We also ask the Government of Indonesia to treat humanely all those in custody. The human rights of the Timorese people are being openly violated, as they have been for years. Their inalienable right to assert their freedom is one reason why the fighting continues, because the Indonesian forces have deprived the poor people of East Timor of the exercise of their right to their own political, economic and social systems.

(Mr. Ferreira, Sao Tome and Principe)

I should like to point out some violations of human rights that have been committed. The Dili massacre and the imprisonment of Mr. Xanana Gusmao, Mr. Mauhunu and others are among many such cases. The most recent resolution of the United Nations Commission on Human Rights, adopted in March 1993, calling for the resumption of talks on the question of East Timor, has encouraged the Secretary-General to continue his good offices towards achieving a just, comprehensive and internationally acceptable settlement of the question of East Timor. The Group of Five is looking forward to seeing these talks take off, so as to give the people of East Timor the opportunity to enjoy the goals set forth in the Universal Declaration of Human Rights and to express freely their international sovereignty.

We hope that the people and nation of East Timor will never disappear, because the international community cannot continue indefinitely to accept these double standards in violation of the United Nations Charter and international law.

The CHAIRMAN: I next call on the representative of Portugal.

Mr. RIBEIRO-TELLES (Portugal): The Portuguese delegation is speaking once again before this Special Committee in its capacity as administering Power responsible for the Non-Self-Governing Territory of East Timor. In doing so, we should like to extend our greetings to you, Sir, and to all the other members of the Committee and of the Bureau, reiterating the continued cooperation that the Portuguese Government has offered it for almost two decades.

At the end of July last year, we considered the question of East Timor at a time of high expectations and relative hope. Expectations had been created by the adoption on 4 March 1992, by consensus, of the statement of the

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presidency of the Commission on Human Rights on the situation in East Timor, and there was hope that a substantive dialogue was about to begin, without conditions and under the auspices of the Secretary-General, between the parties directly interested with a view to reaching a just, comprehensive and internationally acceptable settlement to the question.

Our comments here today will seek to determine, with all possible brevity, in what ways since the last time we were gathered together to debate the question those expectations and that sense of hope have been fulfilled or not, as the case may be.

First, let us address the situation in East Timor. The statement of the Commission on Human Rights was subscribed to by Indonesia, a member of the Commission, through which it assumed a clear responsibility with regard to the implementation of the provisions of the text. Last year our delegation expressed its disappointment with the manner in which those provisions were being applied. Case by case, we referred to what was clearly a failure by Indonesia to implement what it had voluntarily agreed in Geneva to do.

Of particular concern at that time were the following: the absence of a full investigation into the circumstances surrounding the killing of Timorese civilians at the cemetery of Santa Cruz in Dili on 12 November 1991; the failure to identify the dead and the lack of credibility of the total number of victims admitted by the authorities; the unknown whereabouts of the disappeared; the scandalous disparity between the symbolic sentences given to some low-ranking soldiers responsible for the shooting and the heavy prison terms - one of life imprisonment - meted out to civilian Timorese who had not been accused of violent actions; the continued restrictions imposed on access to the Territory, particularly access by non-governmental human rights organizations; and so on.

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All of this had as a backdrop the threatening statements made by high-ranking Indonesian military officials and reports from various sources indicating that the overall situation in terms of human rights had registered no improvement whatsoever. People disappearing, arbitrary arrests and reports of inhuman torture inflicted on prisoners continued. It will be recalled that the Indonesian delegation at that time rejected this assessment - which was not given by our delegation alone - and stated the intention of the Indonesian authorities effectively to implement the statement that they had negotiated and approved.

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Unfortunately, the subsequent course of events has proved us right.

A few weeks after the meeting of the Special Committee, the United Nations Subcommission for the Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights adopted resolution 1992/20 in a secret vote, with 13 in favour, six against and four abstentions. In that resolution the Sub-Commission expressed its serious concern at reports of continued and widespread violations of human rights in East Timor, in view of the absence of an investigation into the 12 November massacre and the denial of access to the Territory to humanitarian and human-rights organizations.

What this clearly means is that the statement of 4 March 1992 of the Commission on Human Rights was not being implemented in its most fundamental aspects. This fact was stressed particularly in the memorandum submitted to the forty-seventh session of the General Assembly on 22 November 1992 by the presidency of the European Community on behalf of its 12 member States, which expressed their concern not only with the follow-up to the recommendations made after the 12 November massacre, but also with the wider human-rights situation prevailing in the Territory. A few days later, the Assembly of the countries of the European Community and the ACP - Africa, the Caribbean and the Pacific - meeting in Luxembourg, approved a resolution on the situation in East Timor in which, apart from condemning the violations of human rights, it demanded the immediate release of those East Timorese sentenced for non-violent actions, called for an international inquiry into the killings of 12 November and requested that the European Community not renew its cooperation agreement with Indonesia.

On the first anniversary of the tragedy of the cemetery of Santa Cruz, the Portuguese Government issued a statement in which it said:

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"The new position of the European Community on the subject, the suspension of American military assistance to Indonesia, the deliberations within the framework of the United Nations Human Rights Commission, the resolutions adopted by several international organizations and solidarity movements emerging in several countries have given momentum to this question in world public opinion. It shows that the East Timor situation is finally being understood in a perspective that favours respect for the fundamental rights of the East Timorese people, which in real terms calls for an effective action".

But on 20 November a new incident revealed once again - as if this were indeed necessary - the persistence of the fundamental political problem that is at the heart of the Timorese tragedy, without whose resolution we cannot expect significant improvements in respect for human rights. On that day, Xanana Gusmao, longtime leader of the Timorese resistance, was arrested in Dili. His capture was accompanied by a wave of arrests in the Territory, particularly in the capital, worsening the atmosphere of fear and tension. Entire families were detained, accused of involvement in resistance activities. Many youths were accused of belonging to the underground civilian network of the resistance, whose extent had hitherto been unknown.

We must remember that almost 17 years have passed since the invasion and illegal occupation of East Timor, and people were certainly involved of a generation who knew practically no other situation. Years of violent repression and of an almost complete lack of public freedom did not intimidate or suppress them, but instead gave way to new forms of struggle and opposition, revealing the fundamental aspirations of the people of East Timor for their freedom and their right to decide on their own future.

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Xanana Gusmao was kept incommunicado for 17 days, during which he was allowed only one visit by the International Committee of the Red Cross. Contrary to all relevant principles of international humanitarian law, he was exhibited a number of times in televised "conversations" and "interviews", carefully watched and censored, in which he reneged on his longstanding convictions and expressed "repentance", appealing to his companions in East Timor to surrender. The fact that close relatives, friends and colleagues - to whom the Red Cross did not have access - were in prison immediately aroused serious suspicions about what could have precipitated such a turnaround, and about its sincerity.

But the Indonesian authorities, sure of their prey, indicated their wilingness to allow foreign journalists, international observers and diplomats to witness the trial, whose date had not been announced, but which was expected to take place shortly.

I will not repeat here today the official positions of the Portuguese Government on the trial and sentencing that Xanana Gusmao was subjected to. These are contained in official documents of the General Assembly, and I draw attention to them - in particular, to document A/48/175. I should like, however, to stress an essential aspect that is directly related to the competence of this Special Committee: Xanana Gusmao was tried by the authorities of a country illegally occupying a Non-Self-Governing Territory, whose situation is the object of the competence of this Special Committee. He was tried and sentenced for "rebellion" and "separatism" - in other words, for opposing the status quo imposed by force, which in turn defies the Charter and the relevant resolutions of the General Assembly and the Security Council.

Indonesia claimed the legitimacy of the trial was derived from its own law. But the question is, from the start, one of the illegitimacy of the

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whole proceeding, politically, morally and legally, as the Indonesian order in East Timor is itself illegal. By suppressing the legitimate rights of the people of a colonial Territory and particularly their right to self-determination, Indonesia is placing itself outside international law and is contradicting the principles and bases of its own struggle in the past for freedom and national independence.

But, apart from this basic illegitimacy, which undermines beyond repair the entire process by inverting the roles of the defendant and his prosecutors, the trial of Xanana Gusmao did not conform to the norms of international humanitarian law nor, ironically, to the Indonesian penal code itself. It offered no guarantees whatsoever of impartiality or objectivity. Where was the assistance of a lawyer while he was under interrogation? Where was the freedom to choose his own legal counsel? And where were the witnesses for the defence, not to mention the questionable liberty of those of the prosecution who testified? And what about the right to read one's own defence, as prescribed by Indonesian law?

As to scrutiny by journalists and other entities, it was curious to note how this was facilitated at the beginning of the trial and obstructed in its final phase. When Xanana Gusmao had given clear signals that he was going to denounce the political manipulation of the entire trial and recant his initial declarations of repentance, which he considered he had been forced to make, immediately the strangest difficulties arose. These went to the extent of preventing the representative of the United Nations, Mr. Tamrat Samuel, from attending two sessions of the trial, and preventing foreign diplomats from listening to the proceedings that were taking place in the courtroom.

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Xanana Gusmao's refusal to cooperate with his captors and his proclamation of adherence to the principles for which he had fought led a high-ranking military official, General Theo Syafei - demonstrating irresponsible confusion - to accuse the Special Envoy of the Secretary-General, Mr. Amos Wako, the Kenyan Attorney-General, who had visited the prisoner, of having the forced the latter to alter his behaviour.

While nothing, in fact, had led us to expect anything from the supposed justice that the court of Dili intended to exercise over Xanana Gusmao, the sentence meted out against him, that of life in prison, was wounding in its iniquity and inhumanity. It triggered a wave of protests and called attention once again to the unacceptable situation that exists in East Timor. Gusmao has been imprisoned and held incommunicado since his sentencing. The Indonesian authorities have hinted about a possible "act of clemency", stressing the political and legal implications of such a request by Xanana Gusmao. At this point, we do not know if the accused himself has submitted such a plea or if it came from his officially appointed lawyer. The situation of Xanana Gusmao, the defence of his basic human rights as an individual and the legitimacy of his conviction should remain a concern of the international community in general and of this Special Committee in particular.

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While that trial was proceeding in Dili, the forty-ninth session of the Commission on Human Rights was convening in Geneva. The situation in East Timor was on its agenda, as a result of the consensus statement, approved the year before, which had requested the Secretary-General to submit a report on the issue. Reports on East Timor by the Special Rapporteur on the question of torture, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances were also submitted to the Commission on Human Rights.

It had been many years since the Commission had had at its disposal such varied elements concerning the situation in the Territory and since that situation had been subjected to such a detailed analysis. At issue was the application of the consensual provisions of the previous year. An arduous task of negotiation then ensued, involving the Indonesian delegation, which was confronted with a generally negative judgement of its behaviour in this area and with a mood that held that something more active must be done to denounce the persistent gravity of the situation in East Timor.

The possibility of a new consensus statement existed until the very last stages of the session - after many concessions, it must be pointed out, by the co-authors - but it did not come to fruition. Indonesia showed that it would be content only with a text void of any practical application, and the draft resolution was put to the vote and adopted by 22 votes in favour, 12 against with 15 abstentions. This was the first resolution in 10 years that the Commission had adopted on the situation in East Timor; this is a significant fact whose importance should not be ignored.

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In the resolution, certain positive aspects were recognized, such as, Indonesian acceptance of a new visit by the Special Envoy of the Secretary-General and the recent, albeit limited, access conceded to non-governmental organizations to attend sittings of the court trying Xanana Gusmao. On the other hand, however, the resolution emphasised the obvious persistence of the most negative aspects, not only in connection with the violence of 12 November 1991, but also with the overall situation in the Territory with regard to human rights.

The Indonesian Government was requested to invite the two Special Rapporteurs and the Working Group to which I referred to visit East Timor, and to facilitate their visits. However, the Indonesian reaction was very negative. Indonesia rejected the resolution that had been adopted and accused the co-authors of intransigence. But Indonesia had had a year to implement what it had accepted: how can it be claimed, in the face of that reality, that the intransigence was not on Indonesia's part but on the part of those others who had done no more than reaffirm provisions that had already been approved? To this day, no invitation to the subsidiary organs of the Commission on Human Rights to visit East Timor, as stipulated in the resolution, has been extended.

However, the attitude of the Jakarta Government was not limited to this; it seems to prefer its blinkered approach as a means of challenging the international community and showing its insensitivity in the face of so serious a condemnation of its policy in East Timor as the resolution of the Commission on Human Rights represented.

Last April, Antonio Gomes da Costa, alias Mahunu, head of the Timorese resistance after the imprisonment of Xanana Gusmao, was also arrested. With his capture, Indonesia seemed to believe that, taken together with the

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"repentance" then being shown by Gusmao, opposition to its occupation of East Timor was near to extinction. Once again this revealed Indonesia's confidence in expeditious and repressive, typically colonial measures in an attempt to achieve a normalization that has been out of its reach for more than 17 years.

However, not only did Mauhunu not allow himself to be used in acts of submission, but Gusmao had blown the whistle on the set-up that had sought to use him as the means to bury, perhaps once and for all, the aspiration of the people of East Timor to become masters of their own destiny. Mauhunu has remained incommunicado, and nothing has been revealed with regard to his possible trial. This is another case that must not be lost from view.

This description of the situation in East Timor causes my delegation sorrow and concern. It is customary for Indonesia to accuse Portugal of conducting a campaign of "defamation" and "unfounded accusations" focused on the reality in the Territory in order to fulfil "obscure political designs". But when the working paper prepared by the secretariat for the Special Committee contains evidence submitted by Amnesty International and by the United States State Department, those insinuations fall flat. And what about the comments of Monsignor Belo, Apostolic adminstrator of Dili, to The New York Times, reported on 24 April 1993, saying that torture of East Timorese political prisoners by the Indonesian military is a common practice and denouncing the climate of fear that continues to prevail in the Territory and the arbitrary arrests, the disappearances and the extrajudicial executions?

Perhaps Portugal is also behind the fact that the International Committee of the Red Cross has not been permitted to visited the political prisoners in East Timor, as stated publicly within the last few weeks. Perhaps Portugal is also responsible for the transfer of some of those prisoners away from the

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Territory after they were visited by Mr. Wako, the Special Envoy of the Secretary-General, in a gesture that can be described only as showing contempt for the role of the United Nations in this question.

At the beginning of my statement I spoke of expectations and hope in connection with last year's debate. We do not believe that it is possible to claim that the expectations have been met. In conclusion, though, I shall turn to the hope created by the possibility that the dialogue to which I referred might begin.

Portugal has repeatedly affirmed that the solution to the question of East Timor lies in completing the process of decolonization according to the Charter, the historic resolutions 1514 (XV) and 1541 (XV) and the other relevant resolutions of the General Assembly and the Security Council. We fully recognize the validity of those resolutions. In accordance with the basic principles of the Charter in this area, Portugal has defended the paramountcy of the interests of the inhabitants of the Territory, whose legitimate rights we cannot dispose of.

With this end in mind, and in the face of the increasing deterioration of the situation in the Territory, the lack of an acceptable solution and the continued, heavy sacrifices being suffered by its population, the Portuguese Government in January 1992 proposed to the Secretary-General that a dialogue should be established, under the terms to which I have alluded, and stressed the need to include representatives of the people of East Timor in the process. A peaceful and negotiated settlement, taking into account in a just and internationally acceptable manner all the relevant aspects of the question, must replace the repressive force and subjugation that have proved unable to achieve anything stable or long-lasting.

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Paragraph 27 of the working paper on East Timor summarizes the outline of our proposal and the action taken by the Secretary-General for the informal consultations between the Ministers for Foreign Affairs of Indonesia and Portugal held under his auspices and without preconditions on 26 September 1992. They were followed by formal meetings on 17 December 1992 and 21 April 1993, in New York and Rome respectively.

At this point, I should like to make perfectly clear my Government's commitment to cooperating fully and constructively with the efforts of the Secretary-General to try to advance the dialogue between the parties directly involved in this question, as determined, in fact, by the mandate defined by General Assembly resolution 37/30 of 23 November 1982. My comments should be taken in the spirit of our commitment to the success of the Secretary-General's mission and our desire to advance the talks so that the hope to which I earlier referred is not transformed into disappointment.

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Recognizing the great difficulties created by the distance separating the positions of the parties with regard to the substance of the question, the two Ministers of Foreign Affairs saw the need to adopt confidence-building measures as a means of creating a favourable atmosphere for addressing the heart of the matter.

It is clear that Portugal and Indonesia have means at their disposal which are very distinct in nature and scope, reflecting the difference in their respective situations with regard to the Territory and its inhabitants. Indonesia illegally occupies East Timor and carries out its de facto administration, maintaining armed forces and police there in order to control the Territory. Portugal, illegally deprived of that administration but responsible for it before the United Nations, has at its disposal only political, diplomatic and legal means to seek to carry out the decolonization of the Territory in accordance with its international obligations. The positions of the two countries before the United Nations with regard to East Timor are thus not equal. It is not a question of resolving a dispute between rival claims of sovereignty. A way must be found to restore international legitimacy to East Timor.

When talking of confidence-building measures we must not lose sight of this essential conditionality: Indonesia occupies the Territory and is, de facto, responsible before the international community and the United Nations for what occurs there. It has power over its inhabitants. Portugal, on the other hand, is acting, as decreed by the United Nations and as its presence before this Committee demonstrates, in the exercise of its duty as advocate of the rights of the people of East Timor, as defined by the principles and relevant resolutions of the Organization. It is not pursuing

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its own interests, nor does it have the means to act directly on the situation in the Territory.

Indonesia, on the other hand, can and should be urged to act in such a way as to re-establish international legitimacy in East Timor. It should act, first, by improving effectively the situation in terms of human rights, as has been repeatedly requested but never satisfactorily done. This is indeed an area in which it would be worth implementing confidence-building measures.

Portugal, for its part, acting in a necesarily different and certainly more limited manner, is willing to contribute even more to that effort if Indonesia's actions bring it closer to restoring international legitimacy and respect for human rights.

I should like to add, in closing, that time is short. The ground covered to date does not leave much room for optimism. Unambiguously positive steps must be taken in order that the next round of negotiations, scheduled for 17 September, may register real progress and so, perhaps, justify the hope that has been attached to this process.

In conclusion, a member of this Committee said yesterday, words to the effect "l'homme, c'est une valeur universelle". With these words I should like to underline that the right of self-determination cannot be subjected to double standards. It is a universal value.

Mr. NASIER (Indonesia): My delegation would like to begin by reiterating its principled objection to the consideration of the so-called question of East Timor by this Committee or any other forum. We have also consistently opposed the granting of hearings to the so-called petitioners on this matter, for the record shows that their participation in this Committee serves no useful purpose whatsoever and only keeps a non-issue alive around a non-existent cause. The statement made by the representative of Portugal is

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not only another deliberate attempt at historical revisionism with regard to the process of decolonization of East Timor, but also a gross distortion of the prevailing conditions in the province.

We therefore request the Committee to consider the true facts and then assess the historical process and cultural and social realities pertinent to the situation in East Timor. Permit me now to set the record straight.

As we have mentioned many times in this Committee - most recently when my colleague spoke yesterday - the facts clearly show that the East Timorese people have exercised their legitimate right to self-determination by deciding to be independent, through integration with Indonesia in accordance with their traditional practices and on the basis of, and in full compliance with, General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV) and the United Nations Charter, thus terminating the colonial status of the former Territory. Consequently, the integration of East Timor as Indonesia's twenty-seventh province, with the same rights and obligations as the other provinces, was formalized on 17 July 1976.

It is also a matter of record that during the decolonization process the United Nations and its relevant bodies were kept fully apprised of the situation in the province. This process was witnessed at every stage by scores of foreign diplomats and international media representatives. It is indeed ironic that the Special Committee, whose very mandate is the implementation of the decolonization process, spends so much of its valuable time and effort on the discussion of a colonial issue that was concluded over 18 years ago. To continue consideration of this non-item is to question the very guidelines set forth in resolutions 1514 (XV), 1541 (XV) and 2625 (XXV).

The allegations that Indonesia has violated the basic tenets of international law are totally unfounded. The facts, as distinct from the

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fictions and disinformation spread by our detractors, show an entirely different picture. My delegation feels it is important to refer briefly to the historical background in this regard.

From the outset, Indonesia supported the efforts of the new Government of Portugal to decolonize East Timor, and time and again it reaffirmed its readiness to cooperate with Portugal in the peaceful and orderly implementation of the decolonization process. Indeed, at Portugal's request Indonesia extended its active cooperation in the process, as evidenced, inter alia, by the series of meetings held between high-level representatives of the two sides in New York in September 1974, Lisbon in October 1974 and March 1975, Jakarta in August and September 1975 and Rome in November 1975.

It should be recalled that as late as November 1975, three months after Portugal's irresponsible abandonment of East Timor, at a meeting between the Foreign Ministers of the two countries in Rome Indonesia still urged Portugal to return to East Timor in order to complete the decolonization process in a just and orderly manner. Portugal, however, again failed to make good on its own promise. It is also important to recall that Indonesia had requested the United Nations to verify and monitor the situation and had offered to create a four-nation commission, consisting of Portugal, Australia, Indonesia and Malaysia, to restore order to the colony. These efforts were rejected by Portugal.

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The process was utterly mismanaged, and Portugal simply packed up and left East Timor. Thereafter, the minority group, aided and abetted by the former colonial authorities, started a reign of terror and plunged the Territory into chaos and strife during the period August to November 1975. The Porguguese colonial administration in Dili made no serious effort to stop the bloodshed and political chaos. In fact, it abandoned the Territory at the height of the civil war and compounded the strife and confusion by clandestinely turning over its arms and ammunition to FRETILIN.

Without any semblance of authority left in East Timor, the civil war raged on, causing a massive influx of tens of thousands of refugees into Indonesian West Timor, thereby creating serious political, economic, social and security problems for Indonesia. By October 1975 nearly 3,000 had lost their lives in the civil war and more than 42,000 refugees had crossed the border into West Timor.

Indonesia was not even involved at that time, but it had to bear the consequences of the turmoil in the form of the 42,000 East Timorese refugees fleeing across the border to the western half of the Timor island.

Indeed, it was after all these events had begun that Indonesia was slowly and inexorably dragged into the tragedy that was evolving in East Timor. Indonesia became involved only after a specific request by the representatives of the four major political parties that did not consider themselves bound to any decolonization covenant with the erstwhile colonial Power, since there was no Administering Authority representing the overwhelming majority of the people of East Timor. Indonesia did not acquire the Territory by the use of force, but acted specifically to restore peace and a just process of decolonization.

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That exercise took place on 31 May 1976, when the duly elected People's Assembly of East Timor formally petitioned Indonesia for integration. For its part, the Indonesian Government, after complying with its constitutional provisions and legal norms, including the dispatch of a parliamentary fact-finding mission to the Territory, accepted on 17 July 1976 the petition of the people of East Timor to become independent through integration with the Republic of Indonesia.

The general elections that were held in 1982, 1987 and most recently in June of last year constitute the best proof that the East Timorese have been fully integrated into Indonesian political life, together with other Indonesians from other provinces. It is pertinent to note in this regard that during the last general elections more than 350,000 people turned out to cast their votes in the province. Clearly, this is another reaffirmation of the people's desire to share fully in their rights and responsibilities under the Indonesian Constitution. Any attempt not to respect the expressed will of the East Timorese fails to take into account the true realities of the situation.

Against this backdrop it is indeed baffling to hear it said that Portugal is being prevented in its capacity as administering Power from fulfilling its moral and legal obligations to the people of East Timor. As members of this Committee, whose very mandate is to deal with cases of decolonization, are very well aware, when a country is considered an administering Power it cannot be excused for any reason whatsoever from accepting and fulfilling the responsibilities inherent in that status.

Let me ask the members of the Committee: Is it morally correct for an administering Power to abandon its Territory after allowing the situation to deteriorate to the point of civil war? Is it morally correct to favour a minority group over the majority and clandestinely turn arms and ammunition to

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that group, the so-called FRETILIN, so it could impose its diktat, which afterwards led to chaos and strife? Is it morally correct for an administering Power to neglect the people of its Territory for more than four centuries, in particular with respect to its inalienable right to development?

In our view, Portugal has never demonstrated why it should be considered an administering Power.

The Portuguese delegation has made reference to alleged human-rights violations in East Timor. These are totally unfounded and are an unconscionable use of human-rights issues to pursue Portugal's national political goals. Indeed, a similar attempt was made by Portugal to raise the non-issue of East Timor at the recent World Conference on Human Rights, held at Vienna, despite a prior understanding that no country's situation would be addressed. This ongoing effort to politicize human rights for extraneous, myopic goals must be categorically rejected by all Member States interested in objectively promoting and protecting universal human rights.

Moreover, I would like to remind the Committee that this is not the proper forum in which to raise matters of human rights. There are more appropriate forums for their consideration, such as the Commission on Human Rights. In any event, the Portuguese delegation always makes use of various forums to subject the international community to its embroidered version of events.

I think I must touch on the question of the arrest and trial of Mr. Xanana Gusmao. Let me correct the baseless accusations of Portugal.

First, Xanana Gusmao was sentenced to life imprisonment by the Dili district court for serious offences under the Penal Code. The defendant was accorded due process of law at all times, and was treated consistently with international standards.

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Secondly, as our colleagues have already noted, the trial was observed by nine Portuguese journalists, representatives of Asia Watch and the International Commission of Jurists, and the representative of the Secretary-General. The defendent was visited by the International Committee of the Red Cross (ICRC) and Mr. Wako, the Special Representative of the Secretary-General. It has been reported that Mr. Wako told journalists of his satisfaction at the favourable treatment accorded to Mr. Gusmao. Let me note that Mr. Gusmao has appealed for clemency to the Dili district court instead of electing to appeal to a higher court. His request is now being processed.

Thirdly, the Indonesian delegation rejects Portugal's claim that it has no political, moral or legal authority to conduct trials against Mr. Gusmao and all others violating Indonesian laws and regulations. I have already addressed that issue of decolonization and will not dwell on it any further. Let me emphasize that Indonesian laws and regulations are applicable to anyone committing acts in contravention of those laws and regulations. The trial of Mr. Gusmao is therefore fully within the jurisdiction of Indonesian law.

Although an overwhelming majority of the international community has long ceased to regard East Timor as an issue, the former colonizer and subjugator has contrived to keep it on the agenda of the decolonization Committee in order to give credibility to its pretensions as an administering Power, a position it recklessly abandoned in 1975. My delegation therefore asks the Committee: Where were Portugal and these self-righteous petitioners in 1974 and 1975? The answer is obvious. They were nowhere in sight. The question is, where do we go from here?

(Mr. Nasier, Indonesia)

For its part, Indonesia is committed to continuing its dialogue on possible confidence-building measures as a means of promoting an atmosphere conducive to finding a just, comprehensive and internationally acceptable solution. For this, however, there should be unequivocal assurances from Portugal that it too remains genuinely committed to acting in good faith instead of continuing its intensified campaign against Indonesia. It is our firm belief that cooperation, not confrontation, between countries will achieve a lasting political settlement.

Thus, it is with deep regret that we note the dismal picture painted by some members of the Portuguese Parliament of the ongoing dialogue between our two countries, especially when Indonesia has made a wholehearted effort in that connection. We believe that the East Timorese people deserve no less.

Given all those facts and taking into consideration the true situation prevailing in Timor today, it is our sincere hope that the members of this Committee will accept that the people of East Timor themselves have already determined their fate. The Committee's recognition of that incontrovertible fact will do a great service to the real interests of the people of East Timor.

The Committee has heard, at length, one-sided remarks concerning Indonesia. Let me inform all those who are interested in this so-called issue that we have materials that could be useful in helping them form an overall picture of this matter.

The CHAIRMAN: I call on the representative of Portugal, who wishes to speak in exercise of the right of reply.

Mr. RIBEIRO-TELLES (Portugal): I wish to address some of the remarks made by the representative of Indonesia.

(Mr. Ribeiro-Telles, Portugal)

First, with respect to the decolonization process of East Timor, it was said that Indonesia's military intervention in East Timor was necessary to prevent violence and chaos from spreading all over the Territory as a result of its "abandonment" by the Portuguese colonial authorities. Of course, we reject that suggestion very firmly. In fact, the Portuguese Administration, the Portuguese Government and even two warships were present in East Timor up to the very day of the Indonesian invasion of 7 December 1975. Portugal has never abandoned the Territory or ceased its efforts to carry out the decolonization process and fulfil its responsibilities concerning East Timor.

Nevertheless, whatever the actions of the colonial Power, they cannot serve as an excuse for denying the colonial people their inalienable rights. That would lead to the absurd conclusion that the colonial people should pay for those faults. The real problem before us is the need to complete the decolonization process and uphold the rights of the East Timorese people. That is the problem currently before this Committee and the United Nations.

Secondly, with regard to the question of the so-called act of free choice taken by the East Timorese people, I must remind the members of this Committee that that decision was taken by a so-called people's assembly composed of 37 - I repeat: 37 - members hand picked to address a petition to the Indonesian authorities asking that East Timor be integrated with the Republic. The so-called act of free choice, however, was never recognized by the United Nations, which took no part in the process and which has reaffirmed the right of the East Timorese to self-determination. The resolutions adopted by the Security Council and the General Assembly are self-explanatory in this regard.

(Mr. Ribeiro-Telles, Portugal)

Finally, I should like to turn to another point, that concerning the trial and sentencing of Xanana Gusmao. It is well known that Xanana Gusmao was submitted to a political trial, to a farce staged by an illegitimate Power illegally occupying a Non-Self-Governing Territory and flouting the most elementary principles of the United Nations Charter and international law. The Dili trial ended up backfiring in the faces of the occupying authorities. The deposition that Xanana Gusmao courageously tried to read out in the court, which is now known to the public, denounced the allegations that characterized the whole process, as well as all the manipulation that was used to obtain his submission as a means of seeking to consolidate Indonesia's illegal occupation of East Timor.

With respect to what the representative of Indonesia said about attendance at the trial, I must say that the assurances given by the Indonesian authorities that free access to the trial would be granted to diplomats, journalists and international observers were not fulfilled - of course. They went so far as to deny the representative of the United Nations the opportunity to attend two sessions of the trial; similar denials were faced by diplomats of various countries. Prevention of entry into the courtroom and the suppression of sound transmission were used to eliminate any possibility that the defendant would be heard when he tried to read out his defence.

To conclude my brief statement, I reiterate our readiness to pursue dialogue with Indonesia under the auspices of the Secretary-General: a dialogue without preconditions. We are open to any solution, to any settlement that can gain the agreement and the support of the East Timorese people. They are the people mainly involved in this process.

(Mr. Ribeiro-Telles, Portugal)

I appeal to Indonesia: we sincerely hope that common sense will finally prevail, and that Indonesia will recognize that no lasting solution can deny the East Timorese people their fundamental freedoms.

The CHAIRMAN: I call on the representative of Indonesia, who wishes to speak in exercise of the right of reply.

Mr. NASIER (Indonesia): My delegation wishes to speak in reply to the statements made by the representative of Portugal on the question of East Timor. Given that none of the charges are new, and that they have been refuted in the past, I will not dignify them with an elaborate response. Rather, I will try once again to impress on our detractors the fundamental and irrefutable facts.

The irrefutable facts in this matter are these: The process of decolonization in East Timor was completed when the overwhelming majority of East Timorese decided 18 years ago to attain independence through integration with Indonesia on the basis of, and in full compliance with, General Assembly resolutions 1514 (XV), 1541 (XV) and 2625 (XXV). We fully acknowledge that the process of decolonization was not as perfect as we would have wished, but Indonesia cannot be held responsible for Portugal's past errors. This was admitted by the representative of Portugal in 1975, when he spoke of his Government's inability to deal with the situation. Perhaps I can quote the statement made by the representative of Portugal at the time:

"The Governor and several dozen soldiers and civilians had to leave Dili and seek refuge in the island of Atauro, a few miles from the coast, while others were taken prisoner by the combatant factions.

(Mr. Nasier, Indonesia)

"As a result of the fight, FRETILIN established its control on the largest parts of the Territory.

"For humanitarian reasons Portugal immediately appealed to the neighbouring countries, Indonesia and Australia, and to the International Committee of the Red Cross. Shortly after that, in response to the appeals, the withdrawal of Portuguese and foreigners from the island began". (S/PV.1864, p. 9-10)

Perhaps this recollection will be useful for the members of this Committee.

Indonesia's singular contribution to the process was to help the East Timorese majority defend itself, expressing its will against the armed terror of a minority determined to ignore democratic principles and to use violence and intimidation to seize power unilaterally.

These are the facts, pure and simple, and no amount of convoluted attempts to rewrite the history of these events can change them. Indeed, it is high time to bring to a definitive end the so-called question of East Timor and to remove this item once and for all from the agenda of our Committee, where it should never have been inscribed in the first place.

The CHAIRMAN: Before I call on the representative of Portugal, I remind representatives that according to the rules of procedure relating to the right of reply the first intervention in exercise of the right of reply by any delegation on any item at a given meeting should be limited to 10 minutes and the second intervention should be limited to five minutes.

I now call on the representative of Portugal to speak for a second time in exercise of the right of reply.

Mr. RIBEIRO-TELLE; (Portugal): I must apologize for speaking again on this subject, but as the representative of Indonesia has recalled a statement made by Portuguese authorities in 1975, I should like to call the

(Mr. Ribeiro-Telles, Portugal)

attention of the members of this Committee to a statement made by the Foreign Minister of Indonesia, Adam Malik, in a letter sent to Mr Ramos Horta that was published at page 108 in a book by Mr. James Dunn entitled Timor: A People Betrayed. In this important document the Foreign Minister of Indonesia in reference to the revolution in Portugal and the decisions of the new democratic regime to allow Portugal's overseas Territories to determine their own future:

"'In our view, these developments [...] offered a good opportunity to the people of Timor to accelerate the process towards independence, as well as to generate overall national development and to promote the progress of the people of Timor.'"

The book continues:

"Malik placed on this written record certain principles to which his government adhered, which were of particular relevance to the changed situation in Timor. These were:

"'1. The independence of every country is the right of every nation, with no exception for the people in Timor.

'2. The government as well as the people of Indonesia have no intention to increase or expand their territory, or to occupy territories other than what is stipulated in their constitution. This reiteration is to give you a clear idea, so that there may be no doubt in the minds of the people of Timor in expressing their own wishes.

'3. For this reason, whoever will govern in Timor in the future after independence, can be assured that the government of Indonesia will always strive to maintain good relations, friendship and cooperation for the benefit of both countries.'"

(Mr. Ribeiro-Telles, Portugal)

This was a statement made by Foreign Minister Malik in June 1974. I think that it remains perfectly clear and pertinent concerning the situation in East Timor.

Mr. NASIER (Indonesia): My delegation has stated its objections to the inclusion of the so-called item on East Timor on the Committee's agenda. I therefore request that my delegation's objections be reflected in the report of the Special Committee.

The CHAIRMAN: The remarks of the representative of Indonesia will be reflected in the record of this meeting.

As there are no other speakers, may I take it that the Committee decides to continue consideration of the item at its next session, subject to any directives which the General Assembly might give in that connection at its forty-eighth session?

It was so decided.

QUESTION OF THE FALKLAND ISLANDS (MALVINAS) (A/AC.109/L.1803)

The CHAIRMAN: I wish to draw members' attention to a draft resolution (A/AC.109/L.1803) on the item. I understand that the working paper prepared by the Secretariat will be published shortly.

I wish to inform members that the delegation of Argentina has indicated its wish to participate in the Committee's consideration of this question. In accordance with established practice, if I hear no objection I shall take it that the Committee accedes to the request.

It was so decided.

At the invitation of the Chairman, Mr. Guido Di Tella, Minister for Foreign Affairs of Argentina, and members of his delegation took places at the Committee table.

At the invitation of the Chairman, Mr. Juan Scott took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Scott.

Mr. SCOTT: I thank the Committee for having accepted my petition to speak before this Committee

I am a grandson of Falklanders who settled in southern Patagonia towards the end of the last century. As a descendant of those pioneers and a resident of the Argentine South Atlantic coast opposite the archipelago, I feel that I have the right and obligation to explain my views, and the reasons for them, on the question of this debate.

Both my grandmothers were born in the islands, marrying Britishers who came out from Scotland to work as shepherds. The first farm which my grandfather, John Scott, worked at on the islands was "Chartres". Later on he travelled to Patagonia looking after 600 ewes bought in Malvinas for a farm on the Argentine mainland, establishing himself in the Río Gallegos region.

This personal background drives me to add my words to those of many people, regional organizations and Governments in Latin America which have expressed the wish that Argentina and Great Britain should reach some kind of agreement on the future of the islands through peaceful and meaningful negotiations. A fruitful dialogue taking due account of the Islanders' interests and well-being is needed, and this would give us a sound basis on which to work out differences and solutions. Nothing can justify unwillingness to solve an issue that is a cause of concern and uncertainty that hinder progress and development of the region.

(Mr. Scott)

I was brought up in the same family lifestyle as my ancestors had in the Islands. They brought those customs to the Argentine mainland, where many of the first immigrants that came from the archipelago established their homes. Because of facilities given by the Argentine Government, the majority of those settlers became sheep farmers. This happened to be my family's case. Having all fitted well into the country's society, forming part of all kinds of associations, especially rural ones such as wool cooperatives, so as to work together, advised by specialized wool classers, and thus gain higher prices in the many times depressed markets, today many of us are owners of a meat packing company that years ago received sheep bought in the Falkland/Malvinas Islands.

It is encouraging to learn that the experience of our ancestors could repeat itself, this time in cooperation on the conservation of fishing resources between Argentina and the United Kingdom for the benefit of the South Atlantic fisheries, which today are an important source of income for the Islands and Patagonia.

But just how solid is the financial situation of the Islands? We have a recent example where Argentina took the initiative and offered a competitive alternative in the issuing of fishing licences in the area. There was consternation among the Islands' population over this decision, and some even went as far as to accuse Argentina of bad faith and political manoeuvres. This was not, of course, Argentina's aim; totally within its rights, Argentina simply made use of its own capacities in a highly competitive industry. Nevertheless, the case serves as an example of the fragility of the Falklands' economy when it shuns links with the Patagonian economy.

(Mr. Scott)

The surveying and exploitation of oil reserves would also be highly beneficial to the Islands and to the development of resources in the South Atlantic, to which end progress should be achieved in establishing a regional cooperative scheme. It could be said that Argentina's approach to these issues - fisheries and oil - fosters an obvious need for active cooperation on the exploitation, scientific control and conservation of these natural resources. In a sense, this is an invitation to repeat the important and fruitful cultural and commercial exchange that had taken place between the Islands and the southern Patagonian region since the middle of the last century, which is a valuable and rewarding example left to us by our common forefathers and one that we should imitate.

The Falklands/Malvinas are a British Crown Colony, defined as such in the Falkland Islands (Constitution) Order of 1985. The Territory is administered by the British Government, which in 1946 included the Islands in its list of Non-Self-Governing Territories. Great Britain voluntarily acted according to the consensus of the General Assembly of 1966, and accepted full compliance with resolution 2065 (XX) on 3 February 1967. What I have said demonstrates that the United Kingdom has irrefutable international obligations on this matter. Putting an end to the colonial situation through peaceful and meaningful negotiations implies agreeing on a solution that would satisfy both sides, Argentina and Great Britain, and guarantee the British Islanders of the Falklands/Malvinas that all their interests will be safeguarded.

It must be taken into account that those who live in the Falkland/Malvinas Islands are descendants of British subjects who settled there in 1833 under the protection of the illegal occupation, and that many of them reside in the Islands on a temporary basis. The existence of a separate

(Mr. Scott)

identity is not met here. Falkland Islanders themselves are proud of not having a distinct culture, but of being British in stock, all of which deserves our respect. There is no legitimate relationship between the population and the Territory that could give this population any right to self-determination. To claim that those inhabitants should be set up as arbitrators of the solution to the dispute could make a mockery of the decolonization process, and would alter the nature of the right to self-determination.

The Islanders' interests are, of course, of vital importance, and should have special attention paid to them, but it is not acceptable that they should impede progress towards solving the Falklands/Malvinas question. History proves that every time that the Islands had strong links with the Argentine mainland it was of benefit to the archipelago. Relations between Islanders and Argentina remain uncertain in spite of the present friendly relationship between Argentina and the United Kingdom, and this certainly does not contribute to a peaceful dialogue and to the cooperation that must prevail to the benefit of tolerance and development in the region.

Argentina is at present going through an advanced stage of consolidation of its democracy and stabilization of its economy. It is also a responsible member of the world community. The current trend of eliminating regional tax barriers and creating larger markets, headed by the European Communities, is also being implemented in South America. Argentina has taken a leading role in the establishment of MERCOSUR, a common market in the southern region. Because of the excellent prospects this could offer, I call on the Falkland/Malvinas Islanders to analyse their future. If they choose to remain an isolated colony, they will become mere spectators of the progress and development of the area.

(Mr. Scott)

In view of the friendly relationship between Argentina and Great Britain, I call on you, Mr. Chairman, and the other members of the Committee to urge both parties to seek a lasting and agreed solution to this conflict, in the cause of regional and world peace.

The petitioner withdrew.

At the invitation of the Chairman, Mr. Alexander Betts took a place at the petitioners' table.

The CHAIRMAN: I call on Mr. Betts.

Mr. BETTS: I am grateful for the opportunity to address the Committee as it considers the Malvinas question.

My name is Alexander Jacob Betts. I am 45 years of age, born of a family that settled in the Malvinas Islands in 1854. I myself lived there until the end of June 1982, when I moved to the mainland of Argentina. I now live in the town of Agua de Oro in the Province of Cordoba, where I carry out the duties of general secretary to the town's Mayor and honorary treasurer to the cooperative that supplies the town and its surrounding areas with public services - water, electricity and telephone.

On my own initiative, I began studying this subject in 1976. I quickly became aware that there was very little knowledge of historical and legal facts of great importance in the Islands, and that as a result public opinion was rather vague and people were misled. This is one of the reasons I have come here as a petitioner, firmly convinced, as always, of the necessity of exhausting all possible means of arriving at an adequate solution to this question. The question of sovereignty of the Malvinas Islands continues to be a reality that sooner or later must be resolved. It is a reality that creates a somewhat damaging situation for the archipelago and the South Atlantic region, which needs to be overcome. But to achieve this objective, it is first necessary to establish a sound legal and political foundation to build on.

Bilateral relations between Argentina and Great Britain can now be described as positive and normal. Therefore, it would be in the interest of both countries to endeavour to develop coherent plans for the future of the islands, to take concrete steps to further strengthen their restored mutual confidence at governmental levels, and to clear the way for a more ample and beneficial understanding for all involved in this question.

(Mr. Betts)

We know that as far as the Falkland Islanders and their spokesmen here today are concerned, measures of this nature are neither welcomed nor considered necessary. They consider them to be provocative and a source of discontent, simply because their view on this issue is clouded by highly emotional elements. They are assuming an attitude of distrust and vexation with the Argentine Government, which wishes to re-establish normal relations with the Malvinas Islands. So emotional is their posture that they confine themselves to a blunt and unfriendly refusal to become involved in any way with either mainland Argentina or the Argentine people.

Today's geopolitical world is a kaleidoscope in which important changes occur nearly every day. The Berlin Wall fell overnight; a number of large multinational economic blocks are being formed; and Argentina itself has ended an old frontier dispute with Chile and abandoned competitive attitudes with Brazil, becoming a significant partner in MERCOSUR, along with Brazil, Uruguay and Paraguay. Chile will probably be joining us in the future.

In connection with the question we are discussing today, the General Assembly has repeatedly recognized the existence of a territorial dispute over the Malvinas Islands and in the relevant resolutions has urged the two States to proceed without delay with bilateral negotiations that include all the aspects of the future of the Territory, in accordance with the United Nations Charter.

But all this appears to pass unnoticed by the representatives of the Malvinas population. Therefore, I would go so far as to say that their intransigence and British procrastination on this subject are neither productive nor advisable, and that their behaviour is inconsistent with modern-day trends and the open-mindedness of a civilized world on the eve of the twenty-first century.

(Mr. Betts)

The international community recognizes and accepts the Malvinas dispute as a real problem that affects the whole of the South Atlantic region and must be dealt with sooner or later. Choosing to disregard this fact by no means implies that it will disappear.

The Islanders cannot understand or accept that no Argentine Government will relinquish its right or diminish its efforts to recover the Territory wrested away from it. They argue that they are the only ones that have a valid say in this matter and that their alleged right to self-determination should prevail over everything else. Furthermore, they say that decolonization is not a feasible solution, because the only thing this would achieve is to replace the welcome, desired protection of British colonialism with an unwanted and totally rejected form of what they refer to as "Argentine colonialism".

What I have said up to now is nothing more than a pure statement of fact, which in no way should be interpreted as a simple desire to hurt sensitive feelings.

Let me now try to explain how I feel about this issue.

First, in one way or another, the Malvinas have lived linked with mainland Argentina. These relations have afforded mutual benefits, especially for the archipelago and its inhabitants. Although today's circumstances are not the same as those of a decade ago, to be able to continue exploiting the various resources of the South-West Atlantic it is necessary to prepare the infrastructure of the area to cope with such diversification, and the legal and political insecurity deterring investment in the region must first be removed.

(Mr. Betts)

Secondly, I disagree with anyone who argues that the fundamental issue in this dispute is the islanders' right to self-determination. It is a well-known fact that the colony's residents are not descendants of an indigenous people, but are the progeny of colonists sent to the islands to carry out a de facto occupation on behalf of Great Britain. Consequently, should the international community quietly accept the assertion that British subjects living in the Malvinas enjoy the right to self-determination, it would be establishing an extraordinary and potentially dangerous universal precedent, one that has already been rejected by the United Nations General Assembly.

By this I do not mean that the interests and view of the islanders should not be considered; of course, they must be. But I am saying that these interests are not the sole and decisive factor for future negotiations. This is not a dispute that can be settled only on the basis of the demands of the colony's inhabitants. It is obvious that this population prefer to continue its particular way of life without interference from anyone. But the fact that they wish to do so on a Territory whose legitimate title is claimed by a country that has clamoured for its return since the very beginning of the conflict cannot simply be brushed aside as unimportant.

This last observation brings us to the heart of the matter - in one word, sovereignty. I do not believe it necessary to repeat here the minor details of the aggression, which English forces perpetrated in 1833 to take possession of a piece of Argentine territory occupied by Argentines and governed by Argentine authorities. This historical background is sufficiently known to all of us.

(Mr. Betts)

But it is important to stress that the Argentine Republic has always objected vigorously to this unwarranted plundering, placing continuous protests before successive British Governments. In their substance, none of those protests differ an iota from the original one presented by Argentina's diplomatic representative in London on 17 June 1833.

Confronted with these claims, the British Government has taken an inconsistent attitude. Until 1930 it maintained criteria related to pre-1833 events: the first discovery and settlement, the wording of the lead plaque of 1774 and so forth. But fundamental weaknesses in such allegations having been perceived, they were replaced by arguments of possession over time and the peaceful and uninterrupted occupation of the colony. Argentina never acquiesced in such claims. The British Government has now added to these claims, and now places emphasis on the Islanders' presumed right to self-determination. As we all know, time and again since 1964 the United Nations has refused to recognize that right.

In brief, there are two elements in this dispute. Although both refer to the colony's future, they should not be confused with one another. On the one hand, just as General Assembly resolutions have completely recognized, the problem between Argentina and the United Kingdom is a sovereignty dispute. Therefore, the only valid dialogue for resolving the issue is one between those two Governments. Equally, the same resolutions urge that those negotiations should include the interests of the Islanders. I insist that these are two distinct items that deserve adequate but separate replies.

Both sides have committed errors of understanding in this dispute, and there is joint responsibility for the 1982 crisis and its consequences.

(Mr. Betts)

In view of this, I am more than ever convinced that this problem should be resolved through negotiations aimed at arriving at a peaceful and practical solution that takes account of all the factors that have emerged.

The petitioner withdrew.

At the invitation of the Chairman, Mr. W.R. Luxton and Mr. T.J. Peck (Legislative Council of the Falkland Islands (Malvinas)) took places at the petitioners' table.

The CHAIRMAN: I call first on Mr. Luxton.

Mr. LUXTON: First of all, I thank the Committee for the opportunity given my colleague and me to address this Committee and speak on the draft resolution before it. Although I have served on the Falkland Islands Executive and Legislative Councils for many years, this is the first time I have had the privilege of addressing this Committee.

My name is Bill Luxton, and I was elected as a representative of the Camp, or rural area, of the Falklands at our last election. I am confident that I represent accurately the views of our people, because at that election, where a record percentage of the population voted, I was elected with the largest proportion of votes of any candidate. I believe this was because of my firm views about our relationship with Argentina.

I was born in the Falkland Islands and have lived there all my life, other than having some of my education overseas. My great-grandfather settled in the Falkland Islands in 1863, so 130 years later my son represents the fifth generation of our family there.

On Easter Sunday of 1982, a week after the brutal invasion of my country by the Argentines, my wife, my son and I were arrested at gunpoint on our farm by a dozen heavily armed Argentines who gave us an hour to sort ourselves out. Restricted to one change of clothing each, we were removed to

(Mr. Luxton)

Port Stanley and two days later were deported via Argentina to Uruguay. Members will appreciate that, because I had always been less than enthusiastic about the Argentine presence in my country and because of the many thousands of their own people who had been brutally killed because they disagreed with the military authorities, this treatment caused us a degree of apprehension while we were being held by the Argentines.

My family has been farming on West Falkland for nearly 100 of those 130 years, so I hope the Committee will understand that we have very strong views about those who would dispossess us of our land.

One of the most fundamental differences between us and the rest of the American continent, North and South, is that we are the original settlers. Over all the rest of the Americas and the offshore islands, the original inhabitants were dispossessed of their land and, in many cases, hunted down and slaughtered like animals by the ancestors of those who now live there. So it is my firm belief that we have a very real right as the original settlers of our Islands.

We have been told frequently what a wonderful life is led by those of British extraction who live in Argentina. I can only say that this was their choice, and that is fine. It is not our choice, nor was it our forebears'. Indeed, there is a small number of Argentine citizens who have made the opposite move, having decided that the Falklands offered a better lifestyle and settled there. They have made their decision, and they are welcome members of our society.

Another myth I should like to dispose of for ever is that we have been deprived of essential services since 1982. On the contrary, our only contacts with Argentina were for a short time in the 1970s, when we were forced to use that country for access to the outside world and when some of our medical

(Mr. Luxton)

cases were sent there. Some children were also at school there for a short time. We paid a large amount for all this in hard currency. It is not a situation any Falkland Islander wishes to return to. The most permanent legacy we have of the days of Argentine rule are the minefields which will for ever deny to our children and grandchildren the most beautiful and popular recreation areas around our capital, Stanley.

We have 160 years of democratic government behind us, and at the present time we have complete internal self-government. Apart from our defence, we are financially self-supporting. This is a most important point for consideration by this Committee. The Committee is dedicated to decolonization. I have to point out that there is one reason and one reason only for our being unable to progress further down the road to full self-government, and that is the aggressive colonialist attitude of Argentina. So long as it persists in wanting to extend its colonialist territorial ambitions over our homeland, we cannot afford to relinquish the protection of Great Britain Of course, in defence matters we are completely reliant on Britain.

I would like to turn briefly to the question of the validity of territorial claims. Under international law we have no doubt as to our rights over our land, but I would like to put it to the Committee that the Argentine claim is irrelevant anyway. I believe it is a ridiculous suggestion that those claims could be based on a situation that existed or things that occurred 160 years ago. If one looked around our world today and attempted to redraw national boundaries on that basis, I doubt that there would be more than a tiny number of countries now Members of this great Organization whose territory would remain the same. Many did not even exist.

(Mr. Luxton)

At this very moment, in numerous parts of the world, this great United Nations Organization is fighting for its most fundamental principle: to give or maintain the right to exercise self-determination of people who are in danger. If this Committee is to adhere to that principle, it must support the right of the Falkland Islanders freely to determine their own future. Any other approach would be mere political expediency.

I repeat that we wish to progress along the road to self-determination, but as long as the threat of being dominated and colonized by Argentina remains we cannot afford to emerge further from under the defensive British umbrella. One simple answer exists, and that would be for this Committee to persuade the Argentines to give up their anachronistic and unjustified colonialist ambitions and to accept the rights of the people of the Falkland Islands to determine their own future without threat. That would be progress indeed.

I believe that history will see the 1990s as the decade in which subject peoples all over the world achieved self-determination. We have seen the Berlin Wall come down; we have seen the events in the former Soviet Union. For some this road has been tragically bloody, and, as we know, the United Nations is continuously trying to help in such situations. We in the Falklands are few in number, but I believe it would be to the shame of this Committee, and of the United Nations, if our inalienable rights were trampled underfoot in the name of political expediency. We ask for the Committee's support.

The CHAIRMAN: I call on Mr. Peck.

Mr. PECK: I thank the Committee for the opportunity to address it and to speak to the draft resolution.

(Mr. Peck)

I am a fifth-generation Islander. I have four children and four grandchildren. Two have their own sheep farms, another is the wife of a local aircraft pilot, the youngest a fine artist. Like most young people, they are versatile and planning their children's future. They are pleased with their lives in their own country. They all went through the trauma of the 1982 Argentine invasion; my youngest daughter sustained injury during the conflict. My daughters and youngest son, along with others of my family, were subjected to nightly raids by the military on their homes. Being thrown out of bed or threatened by armed soldiers was a frequent occurrence. The reason was that I was defending our freedom and democratic way of life. Many members of this Committee, or their fathers or grandfathers, have done likewise. We all have this right, and often one is called on to use whatever means one has to defend it.

I would prefer that there were no resolution to debate today; we could thus save time and money that would be better spent on other valid matters of importance. However this is not to be. Argentina continues to press its illegal and ill-founded sovereignty claim over my country. For Argentina, the problem is not that the Falkland Islands is a colony, but that we are not a colony of Argentina.

Colonial status under Britain in the 1990s represents protection of our rights to self-determination, rather than exploitation. Britain is a trustee, ready to support our political wishes, which may evolve further. If the outrageous act of aggression and invasion had succeeded in 1982, I would be here as a petitioner, if the Powers permitted it, pleading for decolonization.

For the General Assembly to ask Britain and Argentina to resolve the question of sovereignty without any reference to the wishes of the Islands' inhabitants is a betrayal of the principle of the United Nations; it is like

(Mr. Peck)

asking Turkey and France to decide on the sovereignty of Syria, or urging Spain and the United States to decide the fate of Cuba. This Committee in particular will recognize the old colonial style in such an outdated resolution.

Let me say a word about the Britishness of the Falklands. Most of the inhabitants of the Islands originally came from the British Isles. A few came from Scandinavia, Chile, or Uruguay; even fewer came from Argentina. Unlike Argentina, and indeed unlike most colonizing Powers, we displaced no indigenous population, yet generation after generation has taken British nationality; these people and their children have become citizens of the Falkland Islands. We are British; we feel British.

My ancestors came to the Falklands in 1843 from the British Isles. Along with their relatives and friends, they engaged in sheep farming and cattle breeding. They and other settlers pioneered the way forward, using traditional and cultural skills that were entirely British. The language was entirely British, and remains so today. Our laws are based on the English laws, and our Constitution is taken from examples of practices pursued over the centuries in the British Isles, based entirely on long-established freedoms and democratic ways of life. These British practices have been followed by large numbers of countries, most of which are now independent nations. Some of those countries are members of this Committee.

Let me say a little about the "wishes" and "interests" of the Falkland Islanders. The Committee may have noticed that Argentina rejects the phrase "wishes of the Falkland Islanders". The Argentine Foreign Minister has repeatedly followed this line. The same words were rejected by the Argentine delegation last year in Cambridge, when several Islanders attended the

(Mr. Peck)

Argentine-British Conference. It expressly refused to allow the word "wishes" to be included in the concluding statement.

Why then does Argentina prefer to speak of "interests"? Speaking of the "interests" of the inhabitants of a colonial Territory was a formula devised by the imperial Power to enable it to ignore the wishes of the colonial peoples. It implied that wise administrators in London, or in Paris, Madrid or Lisbon, knew better than the simple natives what was good for them. It is a formula that has been rejected everywhere as decolonization has progressed - everywhere except Argentina.

The Argentine Foreign Minister was recently given the freedom to address Falkland Islanders on Falklands radio, and to answer questions from them regarding the Argentine claim. He said that if Argentina gained sovereignty over the Islands it would be prepared to allow us to keep our way of life. Let me spell out some of the features of our way of life.

We make and enforce the law. We have our own courts administering our laws. We have control over ownership of property, and property rights are governed by our law. We decide, in accordance with international law, who is allowed to come to the Islands. We decide which military forces, if any, are allowed to come to the Falklands. We decide who is allowed to operate flights to the Falklands. We decide whose flag shall fly in the Falklands. We decide on what taxes we shall pay. We decide on the schooling for our children. We decide what we spend our money on. We decide to whom we owe allegiance. We have control over our own resources. We shall decide whether we are going to become a fully independent country. We have no doubt that we enjoy greater freedoms, a better system of government and a much longer history of democracy than Argentina can boast.

(Mr. Peck)

These are, and have been for the last 160 years, the features we prize in our way of life. Is the Foreign Minister really saying that the Argentine Government and its people will preserve the Falkland Islands way of life? Is he really accepting everything I have just said? I do not believe this to be the case. If it did accept all this, the Argentine Government would, in effect, be conceding sovereignty. This would certainly be right and just, but will it accept this logic? Does its Foreign Minister believe this to be very realistic, or indeed, an acceptable scenario? He is playing with words. In fact, it is absurd for any politician or diplomat to believe that we can be deceived or seduced, to use the Minister's phrase, into believing that Argentina would recognize our wishes or interests. Sovereignty can be based only on the right of self-determination. I can and do say to the Argentine Foreign Minister: "We will not accept your glib assurances that our way of life will remain unchanged. We know that you cannot, nor would you be permitted to, deliver what you offer to Falkland Islanders."

Let me tell the Foreign Minister that we, the people of the Falkland Islands, will never trade away the right to determine our own future. Members of this Committee will undoubtedly recognize the fundamental right underlying the creation of this Committee. I appeal to the Argentine Government and, personally, to the Argentine Foreign Minister: "Drop this territorial claim, which brings no credit to Argentina and has dragged your country into a disastrous war. As long as you continue to lay claim to my country, the world will doubt Argentina's commitment to democracy, because that claim denies the democratically and repeatedly expressed wishes of the people of the Falkland Islands."

(Mr. Peck)

As long as Argentina's claim is pursued, and while President Menem stubbornly maintains that the Falkland Islands will become part of the Argentine Republic by the year 2000, neighbourly relations between us will be impossible. We cannot and will not entertain any form of relationship with a neighbour that wishes to extinguish our identity and absorb us.

As long as Argentina's claim is pursued, political development and major constitutional reform of the Falklands will be paralysed, because we shall not relinquish the protection of Great Britain in the face of a neighbour that threatens us with military might or economic sanctions.

It is not merely Argentina's depressing tendency to military dictatorship or its economic policies, which have reduced it from the seventh-richest State in the world to a present position, that repel us. We are simply not Argentine and have no wish to become Argentine. It may be, as the Foreign Minister keeps telling us, that there is a new Argentina. Fine. But we have chosen our future - or our forefathers chose it when they came to the Falklands - and we have no wish to change it. All we ask is the inalienable right of all peoples to choose our own future.

This is what distinguishes us from the English and the Welsh who chose to go to Argentina and become Argentine citizens. We respect their right to be content in Argentina; but let them respect our right to live as we wish in our homeland. We know we are capable of deciding our own destiny.

Our decision to remain British, to remain ourselves, is not based on a careful calculation of the advantages of living in Stanley or Buenos Aires. We may be a small community, but we have a right to the homeland our forefathers settled, not by occupying it by force or displacing an indigenous population, but by risking all in an unpopulated group of islands.

(Mr. Peck)

We always attend the annual meeting of the Commonwealth Parliamentary Association, at which no fewer than 42 countries are represented. During the course of those meetings, Commonwealth countries state categorically their support for one another, recognizing one another as free and democratic nations with the right of self-determination whose sovereign rights must be upheld.

I once again refer to the General Assembly. In addition to those Commonwealth countries that are Members of the United Nations, there are also many others that were once annexed by imperial States but are today independent countries and Members of this Organization. Some of those countries and their peoples achieved independence through tremendous sacrifice. It is difficult for us to comprehend why many of those same countries deny my people and my country that same right which they uphold and which is enshrined in the United Nations Charter: the right of self-determination.

Is it not ironical for Argentina to be involved in such United Nations activities as defending the right of the people of Kuwait to freedom and self-determination, while they continue to threaten our own right to self-determination? For the seventh largest country in the world, it is not a few thousand more square miles or 2,000 more people that earn the world's respect; it is the way it behaves and the way it uses its strength. Argentina still holds its head high in the United Nations while continuing to threaten a small country, the Falkland Islands. The economic weapon that Argentina points at our fisheries and offshore minerals is as dangerous and aggressive to us as invasion.

(Mr. Peck)

I would urge this Committee to consider carefully what I have said. What it has heard from me comes from my heart. I am not a professional diplomat; I have not the words of a university professor, and no team of researchers has worked on my message to the Committee. I am here as an elected representative of my people. If members of the Committee ignore our right to be recognized as a country with its own identity and its right to self-determination by voting in favour of the draft resolution, they will be voting against one of the fundamental principles that the United Nations was built on. I appeal to them to vote in accordance with this principle.

The petitioners withdrew.

The CHAIRMAN: I call on the representative of Venezuela to introduce draft resolution A/AC.109/L.1803.

Mrs. SILVA-SUNIAGA (interpretation from Spanish): Venezuela has the honour to sponsor, along with Cuba and Chile, the draft resolution contained in document A/AC.109/L.1803. We do so in the spirit of our constant commitment to decolonization issues and with a desire to contribute to the resolution of a prolonged dispute between two countries with which we maintain excellent relations.

The draft resolution follows the same pattern as the resolution adopted last year. I therefore need only reiterate the concern expressed in its preambular paragraphs over the fact that the negotiations on the Malvinas have not resumed notwithstanding the time that has elapsed since the adoption of resolution 2065 (XX) by the General Assembly at its twentieth session, in 1965, and the good relations now prevailing between Argentina and the United Kingdom.

(Mrs. Silva-Suniaga, Venezuela)

Venezuela fully shares the opinion that the only way to put an end to the special colonial situation of the Malvinas is a peaceful and negotiated settlement of the dispute on sovereignty between the two States.

Finally, we hope that in the best interests of all the parties involved, this draft resolution will be adopted unanimously.

The CHAIRMAN: I invite the Minister for Foreign Affairs of Argentina, Mr. Guido De Tella, to address the Committee.

Mr. DI TELLA (Argentina) (interpretation from Spanish): I am grateful for the opportunity to participate in this debate.

I congratulate you, Sir, on your re-election as Chairman of the Committee, just as I congratulate the other members of the Bureau, and the Secretariat staff on their dedication and work.

My statement will be divided into three main parts. First, I shall refer to history - the legal history - and the historical background of our rights. I will repeat things that have already been said but which bear saying again. Secondly, I shall refer to the current situation in the South Atlantic, covering such topics as fishing, oil and recent military arrangements with the United Kingdom. Thirdly, I shall refer specifically to the Islanders and how we view our relationship with them.

The solid historical and legal foundations of my country's sovereign rights over the Malvinas, South Georgia and the South Sandwich Islands are well known. They are part of the records of the Committee and the General Assembly, and I reiterate them firmly today in all their scope.

The Malvinas Islands are Argentinian. Their recovery is therefore a permanent and irrevocable goal of the Argentine people. My Government will not flag in its efforts to obtain their prompt and peaceful restitution.

(Mr. Di Tella, Argentina)

In its resolutions 2065 (XX), 3160 (XXVIII) and 37/9, and in other relevant statements, the General Assembly has recognized that there is a sovereignty dispute between Argentina and the United Kingdom, and has established that it must be resolved by means of negotiation between the parties, taking into account the interests of the population of the Islands. That is why the Committee and the General Assembly have repeatedly requested both countries to renew their negotiations on sovereignty and have affirmed that a peaceful settlement of the dispute is the way to decolonize the Malvinas Islands.

The position of the Committee and the General Assembly is logical. The Malvinas question is a special and particular case which must be resolved in conformity with operative paragraph 6 of resolution 1514 (XV), which grants preeminence to the principle of territorial integrity in the decolonization of Territories that previously belonged to a State. That is the case of the Malvinas Islands, which are an integral part of the territory of Argentina and which the United Kingdom occupied by force in 1833. The Argentine authorities and people were expelled and replaced by British subjects.

The events of 1833 were immediately protested and have never, ever been accepted by Argentina, which has continuously demanded restitution of the Islands. The passage of time and the prolonged British occupation have in no way diminished our right.

The enduring sovereignty dispute continues to receive special attention on our continent. On 10 June the Organization of American States again asked the parties to renew negotiations in order to find a peaceful solution to the sovereignty dispute as soon as possible. To this should be added the Latin American sponsorship of draft resolution A/AC.109/L.1803, for which we are grateful.

(Mr. Di Tella, Argentina)

Other aspects of our relationship must be pointed out. But for our dispute in the South Atlantic, the relationship between Argentina and the United Kingdom today could be described as excellent. In fact, since the resumption of diplomatic relations in 1990 we have achieved a growing understanding on significant issues.

The two countries agree on important international matters and support with equal vigour and conviction democracy, human rights and equality before the law. Bilateral trade has increased significantly, and British enterprises are participating successfully in our ambitious privatization programme. We hope for an increase in British investments in Argentina. Furthermore, old cultural links have been renewed, confirming important affinities. They are based on a special relationship, which we are happy to recall, going back many years.

But in the South Atlantic, where we have made some progress, great difficulties persist. For example, last December we achieved a provisional understanding on fishing for the 1993 season. It was made possible by Argentina's decision to restrict its own squid catch in order to avoid causing an economic emergency in the Islands. This self-imposed restriction clearly demonstrated our willingness to cooperate with the Islanders on specific questions of mutual interest and our firm commitment to conserve this resource. That is why we took that decision.

The temporary arrangement for 1993 was an exceptional event, which does not prejudge future understandings, because we will henceforth have to take into account Argentina's legitimate right to exploit its fishing resources more fully. I reaffirm - and make a commitment - that in no case will we play politics with fishing or engage in predatory fishing in the South Atlantic.

(Mr. Di Tella, Argentina)

We have not done so, and I promise that we will not do so. But at the same time we reserve the right reasonably to increase our squid catch. If this is not accepted it will be very difficult to achieve a more lasting settlement. This is not a threat, but simply a statement of fact.

Recent British jurisdictional measures in the area of the South Georgia and South Sandwich Islands further complicate the possibility of cooperation on fishing. As the official documents of this Organization show, Argentina has firmly protested and rejected these measures, which violate our rights.

The situation would be even further complicated if the United Kingdom imposed additional fishing regulations. Such action would violate the Convention on the Conservation of Antarctic Marine Living Resources and would inevitably mean raising this bilateral dispute within the context of the Antarctic Treaty.

Possible British action on fishing in the area of the South Georgia and South Sandwich Islands is even less acceptable in the light of the fact that on 7 May the two Governments agreed, under the "umbrella" of sovereignty, to renew their efforts within the framework of the Convention for the Conservation of Antarctic Marine Living Resources to ensure the conservation of fish in this area.

(Mr. Di Tella, Argentina)

Furthermore, after a positive meeting in London on 15 June - the first between the two countries about the South Georgia and South Sandwich Islands - we think that we could take specific steps in this direction. Bilateral cooperation is the only constructive response to the problems in this regard.

Oil is another subject that is deadlocked. The British decision to open up to tender and to grant licenses for seismic prospecting in the maritime areas around the Malvinas Islands, writing "Letters of comfort" to the companies doing the prospecting, have been firmly rejected and protested by my Government.

It is not prudent to proceed to prospect for oil and exploit those resources without a previous bilateral understanding, as such activities would involved disputed areas. In 1992 Argentina therefore made specific proposals to establish practical and realistic mechanisms for cooperation under the sovereignty "umbrella". These proposals are still on the table.

We have made it clear that in the absence of a settlement we shall not accept oil prospecting or exploitation activities in the area in dispute. We have therefore informed the oil companies concerned that if they operate there they could be subject to administrative and legal action under Argentine law.

However, in order not to be too pessimistic, I can say that not everything is deadlocked. For example, there has been progress in building confidence in the military area. Thus since 12 July last there has been a new understanding on the subject that brings us even closer to military normalization in the South Atlantic. This is a very positive fact; it is not the last word, but it is very positive.

Coming to my final part - one that is very important to us - I turn to relations with the Islands and with the Islanders. To a greater or lesser

(Mr. Di Tella, Argentina)

extent, what I have said so far is known to the Committee. I should now like to refer to a matter in which there have been new and important recent developments. I refer to Argentina's new policy towards the inhabitants of the Malvinas. This is a key subject for us.

International law and United Nations resolutions clearly establish that the only two parties to the sovereignty dispute are Argentina and the United Kingdom. The Islanders do not have that legal status. In the last resort, the dispute will be resolved by negotiations between the two Governments and by the Parliaments of Argentina and the United Kingdom. Those are the two forums where the question will ultimately be decided.

However, at the same time no one can sensibly fail to recognize the important de facto role that the Islanders have to play in this question. It is common knowledge that their opinions have a profound influence on the British position. There is no way in which we can begin to resolve the question without taking this reality into account.

Establishing direct links with the Islanders has therefore become a central plank of our policy in this respect. This is no rhetorical exercise; it is aimed at specific short-term and long-term objectives. In the immediate future, more direct links will help us move forward on subjects of importance to us both. If we continue to be incommunicado, everything will much more difficult.

Is it realistic to think about a lasting relationship on fishing when, although we are so close, we can talk to each other only by telephone and visit only via London, when no Argentine can set foot on the Islands and the language we hear is so anachronistic?

(Mr. Di Tella, Argentina)

Our public opinion will rightly ask why we have to make sacrifices - as we did during this fishing season - to benefit people who treat us so harshly. On the positive side, however, I note that the British Governor recently recognized the contribution of our efforts to the prosperity of the Islands, since a possible economic disaster for the Islands had not occurred, and all because of Argentina's self-restraint.

In any case, we are contributing to air links between the Islands and the rest of the continent. We have authorized a Chilean airline, which could not fly without our permission, to operate regular flights between Punta Arenas, Chile, and the Islands, with an option - but no obligation - to make an intermediate stop in Rio Gallegos. Of course, for us the ideal would be for the air links to be with continental Argentina, and we shall continue to work towards this. In the absence of such a link, the best thing is for the Islanders to fly to whatever neighbouring country they like, because it is important for the Islands to maintain their South American connection. By flying to Chile or Uruguay they are closer to us, which makes it easier - and, I may add, more tempting - to visit us. There are some beautiful things in my country that are well worth seeing.

Another effect of a link with the continent is that it will certainly help keep Spanish as the second language in the Islands.

Of course, we are well aware of the fears behind the Islanders' holding back from direct contact, and we are well aware of what caused them. As I said in a recent letter to the members of the so-called Council of the Islands, there is no reason for history to repeat itself, nor will it. The 1982 conflict happened, and no one can change that. But it ought not to have happened and it will never happen again. This is our firm commitment.

(Mr. Di Tella, Argentina)

The references Mr. Luxton made concerning the violence during the war really shamed me; I listened to them with great sadness and a greater commitment to ensuring that it will never happen again. His references to the minefields also reflect a regrettable fact. We have looked into our archives for information that we could provide about them, but we have no more. The existence of the minefields is truly regrettable, and that too is our responsibility.

But we cannot stop history. The world has undergone fundamental changes since 1982, and they have affected us all - in the Islands - the United Kingdom and in Argentina. Let us take that last case, Argentina.

Today my country is an effective and vital democracy where rights and values identical to those that prevail in the Islands are in full force. Argentina is a leader in promoting dialogue and détente in South America; I have mentioned our new relationships with Chile, Brazil and all our other neighbours, which are indicative of this. The old, competitive relationships with our neighbours have been replaced by specific policies of cooperation. MERCOSUR and our excellent relationship with Chile are clear evidence of this. In the case of Chile, 100 years of mutual distrust have been replaced by what we believe is the beginning of 1,000 years of confidence and brotherly cooperation.

Moreover, Argentina has won back international credibility and respect. Our economic policy has reopened real opportunities for growth and prosperity. Our foreign policy enjoys respect because it is based on an active commitment to peace, the non-proliferation of weapons of mass destruction, firm support for the Security Council, active participation in peace-keeping operations and the development of cooperative security in the

(Mr. Di Tella, Argentina)

Americas. Through such meaningful acts as our nuclear agreements with Brazil and the International Atomic Energy Agency, our forthcoming ratification of the Tlatelolco Treaty, the regional agreements banning chemical weapons, our accession to the missile technology control regime and our cancellation of the Condor II project, we have contributed to making our region one of the most peaceful in the world.

(Mr. Di Tella, Argentina)

All this has brought the Islands concrete benefits. The existence of the British base is a vestige of the past, an anachronism in current circumstances. In addition, it will surely not escape the Islanders' attention that our attitude towards them has also evolved. The present Argentine attitude, including our firm and clear commitment to the exclusively peaceful resolution of all our differences with the United Kingdom, makes the absence of direct contacts all the less understandable.

I would understand a decision not to have any contact whatsoever if we were not clear in our definitive and irreversible renunciation of, and our opinion regarding, the events of 1982. Conditions are now such that we can discuss even subjects on which we are not in agreement.

In reality, what we propose is a natural step between two free and civilized societies. Democracies should always be able to engage in dialogue, even when they have substantive differences. That is precisely one of democracy's distinguishing characteristics.

Free and open communication will clear up many things that might today seem confusing. For example, we have no interest - none whatsoever - in the Islanders' changing their way of life.

Councillor Peck said that my statements were "glib". That may be, but they are also sincere. And we can deliver, because what I am saying is simply the implementation of the policy laid down by my President, which we are carrying out in full. These are not decisions or announcements made unilaterally and without backing.

Not only do we not want the Islanders to change their way of life, but we see the island community as being impressive for its many virtues. Patagonia is very similar in this sense, as another petitioner mentioned. In our

(Mr. Di Tella, Argentina)

urbanized world, one cannot but esteem the Islanders' way of life. I am sure that a change in the exercise of sovereignty would be unlikely to affect the daily life of the Islands; nor would it do away with the devotion to the Queen and the Crown that the islanders have exhibited.

Councillor Peck mentioned, I think, 14 points characterizing what he calls the Islanders' "way of life". I cannot give a point-by-point reply, but from what he said I believe that the main body of those points can be fully guaranteed. Furthermore, it would be very useful for us to sit down and analyse how each of us understands those 14 points.

I am not playing with words; that is the last thing I would ever do. I believe, nevertheless, that words help and that they can help clarify other words or concepts. I have the impression that when we talk to the Islanders we are talking at cross purposes - that is, that we do not understand each other, that we do not understand each other's world view, that we see threats where there are none, or that there is mistrust where there should not be.

I wish to say something that seems to me even more profound, because I wish to stress that the concept of sovereignty has evolved continuously and considerably in recent decades. Argentina today, especially in the case of MERCOSUR, accepts a system for settling disputes in which the highest legal authority is a community jurisdiction. That was unthinkable 20 years ago. As a result of growing interdependence, what was once an absolute principle - and was in some cases abused - is today much more oriented to the common weal. Argentina approaches the question of sovereignty from a firm, modern position.

I mentioned some letters exchanged with the Islanders. Although we do not have direct formal contacts with the Islanders, in effect the Islands and the continent have begun a dialogue without intermediaries. Thus, in recent

(Mr. Di Tella, Argentina)

months I have personally exchanged letters by fax with members of the so-called Council of the Islands, including Mr. Luxton and Mr. Peck, who are here today. It is true that, as one would expect, we did not exactly trade compliments. We all maintained our principled positions, which is the way things should have begun; that was to be expected. But the important thing is that we have established direct communication, as civilized beings should, and that we began to exchange ideas without outside influence.

I have also spoken to the Islands by radio and television. Fifteen days ago I participated in a radio phone-in programme. I wish to acknowledge that, as the petitioners mentioned, it was very easy to form that relationship and that the event enjoyed British and Islander support, let there be no doubt. I appreciate that. On that phone-in programme I tried to answer questions asked directly by the Islanders. There was a real possibility that not a single Islander would call. My excitement when the questions started to come in can be imagined. I had the feeling that in one second Argentines and Islanders had made a great quantitative leap, since, just as violence and intransigence degrade - they degraded our relations in the past - dialogue and willingness to listen to each other, even in dissent, ennobles us. Again, I am not playing with words; I am saying what I feel in my heart.

I have also been enriched by my personal meetings with some young Islanders in London. Despite our very different points of view regarding sovereignty, we engaged in civilized conversation. Those young people understand well that engaging in dialogue, including agreeing on issues such as fishing and oil, in now way weakens their principled positions on the substantive questions.

(Mr. Di Tella, Argentina)

I wanted to come to the Committee on this occasion. My aim is not solely to ratify firmly our claim, still less to exacerbate the dispute with the United Kingdom, for, even though we have many serious problems, we believe that we can manage them bilaterally and in accordance with the recommendations of the General Assembly and the Committee on this question. My presence here, which was specifically ordered by the President of my nation, Carlos Saúl Menem, serves to underline the importance we attach to the situation of the Islanders.

Of course, as I said before, we also have a longer-term objective: we should like the Islanders, one day, to change their minds - their wishes - on the substantive question, as that will have a considerable impact on the position of the United Kingdom and will therefore significantly increase the chances of finding a satisfactory solution. I do not think anyone should be afraid to change his mind. This is not threatening to those who might change their minds. I have changed my mind on so many subjects that I know this can happen.

Is this perhaps Utopian? Could anyone have foreseen five years ago the sudden fall of the Berlin Wall? We have all mentioned this - the petitioners mentioned it and now I am mentioning it. Could we have envisioned the democratization of Russia? Would anyone dare to discard out of hand the possibility that we can easily convince the Islanders? It is a great challenge. Today they will laugh, but Argentina's national interest and their interest oblige us to try. There is nothing to prevent them from trying to do the opposite. And we shall see what results from talking.

In such a great endeavour we shall use two main instruments: on the one hand, our capacity to argue, explain and convince regarding the solid

(Mr. Di Tella, Argentina)

foundations of our claim and its scope, and, on the other hand, the achievement of a firmly democratic and ever more prosperous Argentina, with a vision of the South Atlantic in the year 2000, 2020 or 2050 as it goes on evolving, along with an up-and-coming Argentina in a world that is not exactly up and coming.

I do not wish to end without expressing in advance my gratitude to the Committee for its support of draft resolution A/AC.109/L.1803. We trust this important new pronouncement will contribute to solving the problem. I repeat that that solution must be in the framework of the resolutions of the Committee and the General Assembly, which have asked Argentina and the United Kingdom, the only parties to the dispute, to resume their negotiations on sovereignty.

(Mr. Di Tella, Argentina)

(spoke in English)

I do not want to finish without switching to the language spoken on the Islands and, as we have heard, by all four petitioners. I do this as an expression of respect for their lifestyle.

I wish to end by conveying my warmest feelings to all the Islanders - those who are here and those back home - and, even though it may sound preposterous, I expect the same in return. It may be too soon. It may sound naive. Some may even call it nauseating or a typical "smoothie" expression; others, a hopeful change in attitude. Still others, myself included, hope that some day, when considered in retrospect, it may prove to be the beginning of a road travelled together.

Compared with other areas, the situation in the South Atlantic does not seem so difficult to resolve. We must ensure that the South Atlantic will for ever be an example of peace and understanding. For this, we must all renounce any attempt to impose our respective points of view.

It is clear that the only realistic and viable alternative is that of civilized, open and intelligent dialogue between us.

The CHAIRMAN: I wish the Governments of both the United Kingdom and Argentina a successful consultation and negotiations, taking into account the paramount interests of the Islanders. We hope that this important question can be concluded smoothly before the year 2000.

Mr. ARDHAOUI (Tunisia) (interpretation from French): My delegation listened with great pleasure to the statement by the Foreign Minister of Argentina, who has paid us the honour this morning of attending this meeting of the Committee and giving his views on the question of the Malvinas. This

(Mr. Ardhaoui, Tunisia)

attitude is in conformity with the spirit of the approach taken by President Carlos Menem, an approach which has always characterized his policy. For President Menem it was a question of explaining and convincing, and that is what the Foreign Minister of Argentina has done this morning. My delegation thanks him for it.

The Foreign Minister of Argentina used very moderate language, language that leaves the way clear for diplomacy and dialogue. That is why my delegation wishes to express its support for the draft resolution, because this draft is in conformity with the spirit of the Charter and resolutions of the United Nations, such as resolution 1514 (XV), the Declaration on decolonization. Moreover, the draft resolution refers to the good relations existing between Great Britain and Argentina.

My delegation notes that the draft resolution seeks to facilitate a peaceful solution to the sovereignty dispute over the Malvinas. It is therefore certainly in the spirit of the principle governing international relations that international conflicts should be settled peacefully.

My delegation will therefore give its full support to the draft resolution.

The CHAIRMAN: As there are no further speakers on this item, the Committee will proceed to take action on draft resolution A/AC.109/L.1803. May I take it that the Committee is prepared to adopt the draft resolution without a vote?

Draft resolution A/AC.109/L.1803 was adopted.

The CHAIRMAN: I shall now call on those representatives who wish to explain the position of their Governments.

Mrs. KING-ROUSSEAU (Trinidad and Tobago): The delegation of Trinidad and Tobago did not wish to stand in the way of the consensus adoption of the draft resolution on the question of the Falkland Islands (Malvinas), notwithstanding our reservations on some aspects of the text. Specifically, Trinidad and Tobago would have preferred that the fifth and seventh preambular paragraphs and operative paragraphs 1 and 4 be reformulated to better reflect a balanced approach to this question. Furthermore, in keeping with the importance of the right to self-determination of peoples in the decolonization process in general, my delegation would have preferred the inclusion in the text of specific references to the principle of self-determination which the Special Committee of 24 and the United Nations as a whole have promulgated over the years.

Mr. BANGALI (Sierra Leone): My delegation went gone along with the consensus adoption of the draft resolution, but not because we were completely satisfied with the language and/or the content of the text as presented. There is hardly any difference between the text we have just adopted and last year's, on which my delegation was one of three to abstain.

We would have preferred to have language that refers to all aspects of the dispute between the two countries, and not just one or two aspects. I refer here specifically to the language in the fifth and seventh preambular paragraphs and in operative paragraphs 1 and 4. Nevertheless, we did not block the consensus adoption of this resolution, but we would request its sponsors to take note of the views and reservations I have just expressed. We would also urge both the Argentine and British Governments to find without further delay solutions to this prolonged dispute, solutions that are at once satisfactory and acceptable to all the parties concerned.

Mr. MAINO (Papua New Guinea): Before I make some remarks on the draft resolution that has just been adopted, I should like to convey through you, Sir, my delegation's appreciation and thanks to the Minister for Foreign Affairs of Argentina and the four petitioners who made statements on the question of the Falkland Islands (Malvinas). The information they provided will prove to be very useful to the work of this Committee.

My delegation decided to support the draft resolution adoption because it is our desire to see the continuation of consultations and the dialogue process for the resumption of the negotiations that may eventually result in a lasting solution to the problem. However, I should like to point out that this Committee deals with questions involving the principle of self-determination, and my delegation would be happier to see that issue reflected in future draft resolutions.

The CHAIRMAN: The Committee has thus concluded its consideration of the item.

The meeting rose at 1.15 p.m.